

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DANNI SUTANA,

Plaintiff,

vs.

Case No.: 1:13-cv-00210-SMV-RHS

STATE OF NEW MEXICO, ECONOMIC DEVELOPMENT DEPARTMENT;  
JONATHAN (“JON”) BARELA, individually and in his official capacity;  
BARBARA G. BRAZIL, individually and in her official capacity;  
WADE JACKSON, individually and in his official capacity;

Defendants.

**JOINT MOTION TO EXTEND DISCOVERY  
AND PRETRIAL DEADLINES OR  
IN THE ALTERNATIVE A STAY  
OF PROCEEDINGS**

Plaintiff, Danni Sutana (*hereinafter* referred to as “Plaintiff”), through her attorney Nathaniel V. Thompkins and Defendants, State of New Mexico, Economic Development Department, Jonathan Barela, Barbara G. Brazil and Wade Jackson (*hereinafter* referred to as “Defendants”), through their attorneys Cuddy & McCarthy, LLP (M. Karen Kilgore, Esq.), state the following for their Joint Motion to Extend Discovery and Pretrial Deadlines and, in the alternative, a stay of the instant proceedings:

1. On June 17, 2013, this Court established discovery and pretrial deadlines in this matter. *See Scheduling Order (filed June 17, 2013) [Doc. No. 21]*.

2. Counsel for each party has been unable to conduct essential discovery since the entry of the Scheduling Order due the ongoing and

continuation of the Plaintiff's appeal in the State Personnel Office ("SPO") case, Docket No. 12-099. At this point the parties are engaging in discovery in the SPO case. However, the hearing in the SPO case has been reassigned to a third hearing officer and the hearing has been continued for the fourth time and has yet to be rescheduled. The undersigned counsel welcome the opportunity, via telephonic conference or in-person, to address any questions the Court may have concerning this Motion and the underlying SPO case.

3. A settlement conference has not yet been scheduled.

4. A trial date has not yet been set.

5. In light of the above, the parties respectfully request that the Court vacate and extend the discovery and pretrial deadlines as follows:

a. Vacate the December 16, 2013 deadline for the termination of discovery and extend it to February 14, 2014;

b. Vacate the September 16, 2013 deadline for Plaintiff to identify to all parties in writing any the Economist Expert Witness to be used by Plaintiff at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) and extend it to December 16, 2013; and

c. Vacate the October 16, 2013 deadline for Defendants to identify to all parties in writing any expert witness to be used by Defendants at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) and extend it to January 16, 2014.

d. Vacate the January 6, 2014 deadline for Motions relating to discovery and extend it until March 7, 2014.

e. Vacate the January 16, 2014 deadline for Pre-Trial Motions, other than discovery Motions, and extend it until March 17, 2013.

f. Vacate the March 3, 2014 deadline for Plaintiff to serve Defendants with his portion of the Pretrial Order and extend it to June 2, 2014;

g. Vacate the March 17, 2014 deadline for Defendants to file the consolidated Pretrial Order with the Court and extend it to June 16, 2014.

6. In the alternative, the parties submit a request to the entrance of an Order Staying the instant proceedings until the SPO case has been concluded.

7. A copy of the parties' proposed Stipulated Order Extending Discovery and Case Management Deadlines or in the alternative stay of proceedings is attached as Exhibit A.

**WHEREFORE**, Plaintiff and Defendants respectfully requests that this Court enter a Stipulated Order that:

A. **GRANTS** the parties' Joint Motion to Extend the Discovery and Pretrial Deadlines;

B. **VACATE** the December 16, 2013 deadline for the termination of discovery and **EXTENDS** it to February 14, 2014;

C. **VACATE** the September 16, 2013 deadline for Plaintiff to disclose her Expert's Report pursuant to Fed. R. Civ. P. 26(a)(2)(B) and **EXTENDS** it to December 16, 2013;

- D. **VACATE** the October 16, 2013 deadline for Defendants to identify to all parties in writing any expert witness to be used by Defendant at trial pursuant to Fed. R. Civ. P. 26(a)(2)(B) and **EXTENDS** it to January 16, 2014;
- E. **VACATE** the January 6, 2014 deadline for Motions relating to discovery and **EXTENDS** it to March 7, 2014;
- F. **VACATE** the January 16, 2014 deadline for Pretrial Motions, other than discovery Motions, and **EXTENDS** it to March 17, 2013;
- G. **VACATE** the March 3, 2014 deadline for Plaintiff to serve Defendants with her portion of the Pretrial Order and **EXTENDS** it to June 2, 2014; and
- H. **VACATE** the March 17, 2014 deadline for Defendants to file the consolidated Pretrial Order with the Court and **EXTENDS** it to June 16, 2014.

RESPECTFULLY SUBMITTED:

By: /s/ Nathaniel V. Thompkins  
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